

September 30, 2021

Preveon Specialty Pharmacy
2121 N D Street
San Bernadino CA 92405

RE: Case No. 21-169

To whom it may concern:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

cc:

Crystal Butler
3250 Kimball Ave
Manhattan KS 66503

BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of)	
)	Case No. 21-169
Preveon Specialty Pharmacy)	
)	
<u>Respondent No. 22-111619</u>)	

SUMMARY ORDER OF DENIAL

NOW, on this 30th day of September 2021, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Preveon Specialty Pharmacy ("Respondent").

Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625, *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board enters this Summary Order of Denial in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order:

FINDINGS OF FACT

1. The Board originally issued Respondent Registration No. 22-111619 on March 16, 2020, which entitles Respondent to operate as a non-resident pharmacy in the State of Kansas (“Respondent’s Registration”).
2. On June 1, 2021, the Board received Respondent’s Non-Resident Pharmacy Renewal Application (“Respondent’s Application”). Respondent provided an inspection report dated July 25, 2017.
3. On July 16, 2021, the Board reviewed Respondent’s Application for completion and determined that the designated pharmacist-in-charge (“PIC”), Stewart Su-Hua Chu, resigned as PIC

on May 12, 2021 noting an effective last day as PIC of September 1, 2020.

4. To date, the Board has not received any updated PIC designation from Respondent.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1657(f), the Board may deny an application for renewal of any registration on any ground that would authorize the Board to take action against the registration of a pharmacy under K.S.A. 65-1627, and amendments thereto.

2. Pursuant to K.S.A. 65-1627(e)(1), the Board may deny an application for renewal of any pharmacy registration upon a finding that the pharmacy has been operated in violation of the Pharmacy Act of the State of Kansas or any regulations thereunder.

3. Pursuant to K.A.R. 68-7-12a(a)(4), each nonresident pharmacy shall designate a PIC, as defined by K.S.A. 65-1626 and amendments thereto, who shall be responsible for receiving communications from the board.

4. Pursuant to K.S.A. 65-1626(ww) and (xx), a PIC is defined as a pharmacist licensed by the Board.

5. Pursuant to K.A.R. 68-7-12a, each nonresident pharmacy shall provide and maintain, in readily retrievable form, the record of a satisfactory inspection conducted within the previous 18-month period by the licensing entity of the state where the pharmacy is located. If no such inspection record is readily available, the record of a satisfactory inspection conducted at the expense of the pharmacy within the previous 18-month period by a third party recognized by the board to inspect may be accepted.

6. Respondent's designated PIC resigned as PIC effective September 1, 2020.

7. Respondent has designated no other PIC since Mr. Chu's resignation on September 1, 2020 and is not authorized to operate in Kansas without a Kansas-licensed PIC.

8. Respondent's failure to designate a Kansas-licensed PIC is a violation of K.A.R. 68-7-12a and, therefore, a basis to deny Respondent's Application pursuant to K.S.A. 65-1627(e)(1).

9. Respondent did not submit an inspection report conducted within the previous 18-month period as requested by the renewal application. Respondent's Renewal Application was received by the Board before the June 30, 2021 expiration date, but Respondent failed to provide an inspection report conducted within the previous 18-month period.

10. Respondent's failure to provide the Board with a satisfactory inspection conducted within the previous 18-month period is a basis to deny Respondent's Application pursuant to K.A.R. 68-7-12a and K.S.A. 65-1627(e)(1).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's Application is hereby DENIED.

NOTICES

Respondent is hereby notified as follows:

1. Respondent may request a hearing pursuant to the Kansas Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, KS 66612-1231, within 15 days after service of this Order. If the outcome of the hearing is adverse to Respondent, costs of the proceedings shall be charged to Respondent.

2. If a hearing is not requested as described above, the Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

3. Within 15 days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

4. Within the time limits established in K.S.A. 77-613, either party may seek judicial

review of a final agency order, pursuant to K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

9/30/2021

Date



Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 30th day of September 2021, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

Preveon Specialty Pharmacy
2121 N D Street
San Bernadino CA 92405



Kansas Board of Pharmacy Staff